

SU2316/16

United States Courts  
Southern District of Texas  
FILEDUNITED STATES DISTRICT COURT  
for the  
Southern District of Texas

United States of America

v.

John A. Chumley

)

Case No.

David J. Bradley, Clerk of Court

H16-393 M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 2015 in the county of Harris in theSouthern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2251(a) &(e)	Production of Child Pornography
18 U.S.C. § 2252A(a)(1)	Transportation of Child Pornography
18 U.S.C. § 2252A(5)(B)	Possession of Child Pornography

This criminal complaint is based on these facts:

See attached Affidavit.

 Continued on the attached sheet.

Complainant's signature

Robert J. Guerra, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: March 16, 2016

Judge's signature

City and state: Houston, Texas

Stephen Wm. Smith, USMJ

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Robert J. Guerra, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since November 2005. As part of my daily duties as an FBI agent, I am assigned to the FBI Houston Child Exploitation unit which investigates criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. § 2251 and 2252A et seq. I have received training in the area of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

2. This Affidavit is made in support of a criminal complaint charging John A. CHUMLEY with violating 18 U.S.C. § 2251(a) & (e), 2252A(a)(1) and 2252A(5)(B) which makes it a crime to produce, transport and possess child pornography.

3. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.
4. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of 18 U.S.C. § 2251(a) & (e), 2252(a)(1)(A) and 2252A has been committed by John A. CHUMLEY beginning on or about May 2013. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
5. An investigation into the production of child pornography revealed a user using the email address txtrucker@gmail.com uploaded four images of child pornography to the Google application, Picassa. An administrative subpoena was sent to Google for information regarding the email address txtrucker@gmail.com. Google identified the user of that email as "J A Chumley". SA Guerra reviewed the images uploaded to the Picassa website and believed they met the federal definition of child pornography. Below is a description of the four files that meet the federal definition of child pornography uploaded to the Picasa website using the email address txtrucker@gmail.com:
  - a) This is an image file that depicts an underage male, who appears to be under the age of 8, who is completely nude while sitting with his legs open on what appears to be a blue couch, engaged in a pose where the child's genitals are exposed in a lewd and lascivious

manner.

- b)** This is an image file that depicts the same underage male described above, completely nude, while sitting on what appears to be a blue couch with his legs lifted up exposing the child's genitals in a lewd and lascivious manner.
- c)** This is an image file that depicts the same underage male described above, completely nude, while sitting on what appears to be a blue couch, exposing his genitals in a lewd and lascivious manner.
- d)** This is an image file that depicts the same underage male described above, completely nude, while sitting on what appears to be a blue couch with his legs lifted up, exposing his genitals and as well as his anus.

6. Through further investigation conducted by the National Center for Missing and Exploited Children (NCMEC) led to the identification of the child (JV1) depicted in the images uploaded to the Picassa website by the user [txtrucker@gmail.com](mailto:txtrucker@gmail.com). NCMEC sent information to the Springfield FBI office requesting that JV1 be contacted and interviewed in regards to the images uploaded to the Picassa website. On February 29, 2016, SA I.A. Bratcher, FBI Springfield Division, contacted and interviewed the parents of JV1, who identified the child depicted in the images found by Google to be their son, who is currently 10 years of age and is currently in the 5<sup>th</sup> grade. One of the parents recognized the blue recliner the child is sitting on in the images found by Google. The recliner, which was still in the residence, was viewed by SA Bratcher and is believed to be the same blue recliner depicted in the images described above.

7. The parents of JV1 stated, CHUMLEY would babysit JV1 while in Metropolis, Illinois and has taken JV1 to the Houston, Texas area for weeks at a time. JV1 was subsequently

interviewed at the Two Rivers Child Advocacy Center and disclosed that CHUMLEY had taken pictures of him while he was nude and sitting on a blue recliner located in JV1's residence. JV1 also disclosed that CHUMLEY had also taken pictures of him while nude, during one of JV1's visits to CHUMLEY's residence located in the Southern District of Texas. JV1 stated when he stayed with CHUMLEY, he would sleep on a water bed with CHUMLEY. During the execution of the search warrant, a water bed was found in CHUMLEY's bedroom. The laptop computer that contained the child pornography previewed by SA Guerra was found underneath said water bed.

8. Based on the above information, SA Guerra applied for a search warrant. SA Guerra and members of the FBI Houston Child Exploitation Task Force executed the search warrant issued by United States Magistrate Frances H. Stacy at the residence of John A. CHUMLEY on March 15, 2016. During the execution of the federal search warrant, SA Guerra and SA Ryan J. Shultz attempted to interview CHUMLEY at his residence. CHUMLEY invoked his right to counsel.

9. During the execution of the search warrant several items of interest were found, including a handwritten "agreement" written and signed by JV1. The "agreement" was found in CHUMLEY's wallet, the "agreement" contained the following statements, "If I don't shave, I will shave head to toe, spanked and rough fucked." The "agreement" continued, "I will swallow tow loads of cum every day we are together next time." The last item of interest written in the "agreement" reads, "also agree for each bet that I lost to give myself freely all night instead of one time each night." The "agreement" is signed and dated

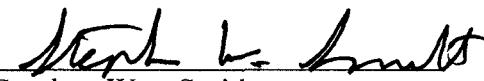
by JV1 on July 19, 2015 at 1:14PM. It appears from the penmanship that JV 1 wrote the "agreement." SA Guerra was able to confirm that JV1 was in fact with CHUMLEY at his residence located in Navasota, Texas from the middle of June 2015 to July 19, 2015. On July 19, 2015, CHUMLEY met JV1's guardians at the halfway point between Navasota, Texas and Metropolis, Illinois.

10. Also found during the execution of the search warrant was a laptop computer. During a preview of CHUMLEY's laptop computer, SA Guerra was able to view the four images of child pornography described above, which are believed to have been produced by CHUMLEY. SA Guerra viewed approximately 13 child pornography images believed to be produced by CHUMLEY. The child pornography images depict JV1, who appears to be under the age of 10 and that of another juvenile victim (JV2), who appears to be under the age of 14. All of the images are a depiction of JV1 and JV2 engaging in poses where their genitals are being displayed in a lewd and lascivious manner. All of the child pornography images appear to have been taken with a cellular phone based off of the titles of the images. All of the images are titled in a similar fashion for example, "20140124\_212558", which is consistent with the titling mechanism of a cellular device. Since JV1 stated that the child pornography pictures depicting him nude on a blue recliner were taken in Metropolis, Ill, it is believed CHUMLEY transported those child pornography images from Illinois into the Southern District of Texas. SA Guerra believes, based on his training and experience, that the images produced by CHUMLEY are child pornography as defined in Title 18, United States Code, Section 2256.

11. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging John A. CHUMLEY with a violation of Title 18 U.S.C. § 2251(a) & (e), 2252A(a)(1) and 2252A(5)(B) which makes it a crime to produce, transport and possess child pornography.

  
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Robert J. Guerra  
Special Agent, FBI

Subscribed and sworn before me this 16<sup>+1</sup> of March 2016, and I find probable cause.

  
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Stephen Wm. Smith  
United States Magistrate Judge